

IV. REMARKS

Claim 3 has been rejected under 35 U.S.C. 112 as indefinite. Claim 3 has been amended to overcome the rejection. Claim 3 should be allowed.

Claims 1-6, 8-13 and 16 have been rejected under 35 U.S.C. 102 as being anticipated by Skandis. The Applicants respectfully disagree. Claim 1 is being amended to clarify features and limitations which are not disclosed or inherent in the structures of the Skandis Patent and which are contrary to the essential properties of the Skandis tile flooring.

Claim 1 calls for a moisture resistant floor covering that is moisture-resistant and water-impervious and of a plurality of unitary, rigid, strong, water-resistant plastic floor tiles which have means for substantially continuously interlocking them to each other to form a water-impervious floor covering. Skandis does not anticipate features called for in Claim 1. In Figs. 1-5, Skandis discloses a conventional floor tile covering that comprises a support grid, a first and second interlock member extending outwardly from the wall, where the first member has a U-shaped wall and where the second member having U-shaped lip post is dimensioned to receive the first member. The first and second members are connected to join together separate floor tiles and form a conventional general floor covering (col. 2, lines 32-36). Nowhere does Skandis disclose a moisture resistant floor covering as called for in claim 1. Nor may the Examiner properly ignore the "moisture resistant floor covering" language in the preamble of claim 1, because it defines structural features of the floor covering. For example, a moisture resistant floor covering as called for in claim 1 has structural features such as an air passage network that prevents

condensation on the under floor surfaces. A conventional floor covering, as in Skandis, may have a stiffener array but this is not necessarily the same as an air passage network preventing condensation on the underside of the moisture-resistant floor covering. The language in the preamble of claim 1 defines structure features of the floor covering and may not be properly ignored. Additionally, claim 1 calls for substantially continuously interlocking tiles to form a water impervious floor covering. In Figs. 1-5, Skandis disclose that the first and second members are equally spaced on the edges of the tile. Since the only tile interlocking mechanisms disclosed in Skandis are the first and second U-shaped members Skandis simply fails to disclose a substantially continuously interlocking tile to tile joint, much less one that forms a water-impervious floor covering as called for in claim 1. Thus Skandis fails to disclose a floor tile covering having a means for substantially continuously interlocking tiles to each other to form a water-impervious floor covering. The rejection should be withdrawn and Claim 1 should be allowed. Since claims 2-18 are dependent claims from Claim 1, and hence the claims should also be allowed. Further, claim 10 recites that the air gap space network (beneath the under surface of the tiles) is vented to allow water vapor to escape at the edges of the floor. This is not disclosed in Skandis. Claim 11 recites that air gap space is vented by exhausting water vapor therefrom to an exterior location. This is also not disclosed in Skandis.

Claim 7, 14, 15 and 17-18 have been rejected under 35 U.S.C. 103 as being obvious over Skandis. Applicants respectfully disagree. There is simply no disclosure or suggestion in Skandis that would make it obvious to (i.e. motivate one skilled in the art to modify Skandis to provide the features recited in claims 7, 14,

15 and 17-18. For example, nothing in Skandis would make it obvious to one skilled in the art to have a tile floor covering which has a thickness of 5/16" to 1 1/2", (as called for in claim 7) or an upper surface having carpeting and linoleum preattached thereto (claims 14-15.


Skandis fails to disclose or suggest every feature recited in claims 7, 14, 15 and 17-18. Hence, claims 7, 14-15, and 17-18 are patentable over the cited art and should be allowed.

Favorable action is awaited.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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6/28/06

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